

**DEC 04 2003**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

ANTHONY STEADHAM,

Petitioner,

v.

STATE OF CALIFORNIA, et al.,

Respondents.

No. 02-16794

D.C. No. CV-00-03991-SI

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Susan Yvonne Illston, District Judge, Presiding

Submitted December 1, 2003\*\*  
San Francisco, California

Before: SCHROEDER, Chief Judge, D.W. NELSON, and RYMER, Circuit  
Judges.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Anthony Steadham appeals the denial of his petition for writ of habeas corpus under 28 U.S.C. § 2254(a). We affirm.

The California Court of Appeal decision affirming Steadham's conviction for the Hayashi robbery was not contrary to, or an objectively unreasonable application of, clearly established federal law. *See Lockyer v. Andrade*, 123 S.Ct. 1166, 1172 (2003) (emphasizing standard under the Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C. § 2254(d)(1)). That court's conclusion was consistent with *In re Winship*, 397 U.S. 358, 364 (1970), and *Jackson v. Virginia*, 443 U.S. 307, 324 (1979). It was not unreasonable given Hayashi's testimony that Steadham resembled the attacker but looked more grown up and heavier – a view of Steadham expressed by witnesses to other robberies as well – and evidence that the Hayashi robbery occurred in the same time frame and geographic area as other taxi robberies with which Steadham was connected, that Hayashi picked up his fare right by Steadham's house, that Hayashi's cab was recovered very close to where Steadham lived, and that the fare used the name "Anthony" – Steadham's first name. Even though Hayashi's identification may have been weak, a rational trier of fact could have found that Steadham was the robber beyond a reasonable

doubt.<sup>1</sup>

AFFIRMED.

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<sup>1</sup> We decline to grant Steadham's request to expand the certificate of appealability.